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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/034,169	12/28/2001	Tadashi Sugiyama	PW 0277031 H7618US	1567
7590	04/25/2008		EXAMINER	
Phillsbury Winthrop LLP Intellectual Property Group Suite 2800 725 South Figueroa Street Los Angeles, CA 90017-5406			SELLERS, DANIEL R	
			ART UNIT	PAPER NUMBER
			2615	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/034,169	<b>Applicant(s)</b> SUGIYAMA, TADASHI
	<b>Examiner</b> DANIEL R. SELLERS	<b>Art Unit</b> 2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 03 March 2008.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 3-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 3-5 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 30 September 2005 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-166/08)  
 Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments with respect to claims 3-5 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. **Claims 3 and 4** are rejected under 35 U.S.C. 103(a) as being unpatentable over Sharp KK in view of Beausoleil et al., USPN 5,564,019 A (hereinafter Beausoleil).
4. Regarding **claim 3**, Sharp KK teaches a digital-audio-signal recording apparatus (fig. 1), comprising:

*a storage section storing digital audio data (¶ 0020 and fig. 1, units 1 and 22);  
a write section that writes data on a disk-shaped storage medium (¶ 0021-0022 and fig. 1, units 19 and 31);  
a control section that, when a write operation is to be performed by said write section for writing the digital audio data, stored on said storage section, to the disk-shaped storage medium,  
first evaluates the status of an erasure state flag and if the erasure state flag is not indicative of an erased state,  
sets the erasure state flag within file management information to the erased state without erasing the file management information on said storage section,  
such that the digital audio data stored on said storage section cannot be retrieved by any processing operation other than said write operation,  
then causes said write section to write the digital audio data to the disk-shaped storage medium, and  
after completion of the writing of the digital audio data to the disk-shaped storage medium (¶ 0032-0051 and fig. 4-6),  
the control section sets file validity information for the digital audio data stored in the storage section to non-valid to disable further readout of the digital audio data stored in said storage section and then erases the digital audio data from said storage section.*

Sharp KK teaches a control section for writing digital audio data to a magneto-optic-disk, which reads on a disk-shaped storage medium. Sharp KK's disclosure is directed

towards copy protection, wherein the digital audio data is not allowed to exist on two different mediums by blocking the eject disk function (¶ 0033 and 0043). This is similar to setting an erasure flag to disable retrieval by any other operation other than a write operation, or using a control section for setting file validity information to disable further readout of the digital audio data stored in the storage section. It is similar because the prohibition of a disk eject before the erasure step blocks two or more copies from existing, and when the erasure step is completed the disk eject function is restored (¶ 0042 and 0043). However, Sharp KK does not explicitly teach these flags, it is obvious in view of Beausoleil.

In an analogous art with respect to digital file access, Beausoleil teaches a method for protecting data files from corruption during various different file access modes (column 1, lines 46-49). Specifically, Beausoleil teaches a control section for setting file validity information for the digital audio data stored in the storage section to non-valid to disable further readout of the digital audio stored in the storage section (column 2, lines 20-32, lines 42-44, column 3, lines 47-63, column 4, lines 9-15, and lines 44-52). It would have been obvious for one of ordinary skill in the art at the time of the invention to combine the teachings of Sharp KK and Beausoleil for the purpose of protecting data files from data access before erasure. Even though Beausoleil is geared towards protecting files from corruption, one of ordinary skill would appreciate that Beausoleil's access and request type information would lock the digital audio data file from retrieval of any other processing operation other than said write operation. This

would fully realize the teachings of Sharp KK, wherein two or more copies of digital audio data are prohibited.

5. Regarding **claim 4**, the further limitation of claim 3, see the preceding argument with respect to claim 3. Sharp KK teaches an apparatus, wherein

*the control section includes a subcode detection section to extract subcode information for the disk-shaped storage medium (¶ 0026-0028, teaches reading TOC information, which is subcode information).*

6. **Claim 5** is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Sharp KK and Beausoleil as applied to claim 3 above, and further in view of Jung et al., USPN 6,868,463 (hereinafter Jung).

7. Regarding **claim 5**, the further limitation of claim 3, see the preceding argument with respect to claim 3. The combination of Sharp KK and Beausoleil teaches an apparatus, wherein

*the control section further includes an AT Attachment Packet Interface (ATAPI) interface, an digital audio interface, and an analog audio interface, all of which are configured to receive and output audio data (see Sharp KK, ¶ 0020 and fig. 1, units 15 and 18)*

In the combination, Sharp KK teaches a digital to analog converter for outputting analog and an analog to digital converter for receiving analog signals, which reads on an analog interface. However, the combination does not teach or suggest either:

- an ATAPI interface; or
- a digital audio interface.

Jung teaches an apparatus to record and reproduce digital audio in a personal computer (PC) (abstract), wherein an ATAPI interface is used (fig. 4, units 40 and 304). Secondly, Jung teaches a digital interface (fig. 4, unit 20), wherein digital audio is received (col. 3, lines 25-30). Jung does not teach that the digital interface outputs a

digital stream, however it is well known at the time of the invention to one of ordinary skill to have used a digital interface for input and output of a digital audio signal. The Office takes Official Notice that the digital interface taught by Jung can be modified to receive and output digital data. It would have been obvious for one of ordinary skill in the art at the time of the invention to combine the teachings of Sharp KK, Beausoleil, and Jung for the purpose of using a PC to record audio data. It may be beneficial to use a PC for a variety of reasons, including but not limited to allowing a user to use an existing device to record audio data.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Yokota et al., US 6,748,485 B1 - teaches a copy protection management system (see column 10, lines 47-51 with respect to figure 5, see figures 20, column 23, lines 14-46, figures 22-31, column 31, lines 35-44 and column 32, lines 49-56).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL R. SELLERS whose telephone number is (571)272-7528. The examiner can normally be reached on Monday to Friday, 9am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on (571)272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2615

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Daniel R. Sellers/  
Examiner, Art Unit 2615

/Sinh N Tran/  
Supervisory Patent Examiner, Art Unit 2615